

to discuss promoting human prosperity, energy security, environmental sustainability, public security, democratic governance, and the Summit's implementation and review process; and

Whereas on February 10, 2009, President Barack Obama stated that he would attend the Fifth Summit of the Americas to "create the kind of partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States": Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to express support for the Fifth Summit of the Americas as an effective multilateral forum, convened in the spirit of cooperation and partnership for the 34 democratically elected heads of state of the region to address shared challenges and foster collaboration throughout the Western Hemisphere;

(2) that the Fifth Summit provides the United States with an early opportunity to reinvigorate and strengthen its engagement with the countries of the Western Hemisphere, especially in—

(A) finding common solutions to the global economic crisis;

(B) promoting energy security; and

(C) combating threats to public and personal security, including threats from terrorism, international narcotics cartels, and organized criminal groups;

(3) that the United States is prepared to work with the countries of the Western Hemisphere on advancing an agenda of human prosperity, including—

(A) encouraging multilateral development institutions to invest in micro- to medium-sized enterprises;

(B) continuing the fight against HIV/AIDS, vector-borne, and noncommunicable diseases;

(C) raising the standard of living of the people in the region who currently live in poverty;

(D) eradicating child labor;

(E) recommitting to the Millennium Development Goals; and

(F) supporting investment in public health and education throughout the Western Hemisphere;

(4) that the United States should use the Fifth Summit of the Americas to strengthen cooperation by working with other nations to formulate and implement a regional energy strategy to promote—

(A) increased technology and information sharing;

(B) regulatory harmonization;

(C) integration; and

(D) renewable and alternative energy sources;

(5) to welcome civil society and nongovernmental organizations at the Fifth Summit, and to encourage their observation and active participation in the Summit's decision-making process to strengthen democratic governance, the rule of law, freedom of the press, and civil society in the Western Hemisphere; and

(6) to set achievable and measurable goals, based on areas of consensus, and to strengthen followup mechanisms to review the implementation, reporting, and progress of Summit initiatives.

TRAGIC EVENTS AT THE PINELAKE HEALTH AND REHAB CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 101.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 101) expressing the sense of the Senate on the tragic events at the Pinelake Health and Rehab Center in Carthage, North Carolina on Sunday, March 29, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 101) was agreed to, as follows:

S. RES. 101

Resolved, That the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to the staff and their families, who have been deeply affected by the tragic events that occurred at the Pinelake Health and Rehab Center in Carthage, North Carolina on March 29, 2009;

(2) honors the lives of the deceased victims—Jerry Avant, Louise DeKler, Lillian Dunn, Tessie Garner, John Goldstrom, Bessie Hedrick, Margaret Johnson, and Jesse Musser; and

(3) recognizes the heroism of Officer Justin Garner, whose decisive action and bravery preserved the safety of many, and wishes Officer Garner a complete and rapid recovery from the wound he sustained.

PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 102.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 102) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to, as follows:

S. RES. 102

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Dodd, Mr. Durbin, Mr. Bennett, and Mr. Cochran.

AUTHORIZING TESTIMONY AND DOCUMENT PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of S. Res. 103.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 103) to authorize testimony and document production in Richard Bowen v. Department of the Navy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in a whistle-blower protection case against the Department of the Navy in which a civilian Navy employee is appealing an adverse employment action before the Merit Systems Protection Board. The employee is alleging that the Navy retaliated against him for protected whistle-blowing activities about alleged waste in Navy programs.

Among the whistle-blowing activities that the employee relies on is a brief meeting that representatives of a Navy contracting firm had with staff of the Virginia Senate delegation in February 2008 about their firm's work on an energy management contract that the employee managed for the Navy.

The Navy has requested that the Senate make available through written declaration staff who can testify about whether the employee's allegations were raised at the meeting in order to establish whether that meeting constituted protected whistle-blowing activities.

Senator Webb would like to cooperate with this request. Accordingly, this resolution would authorize Jamie Lynch, a former fellow with Senator Webb's office, to testify. The resolution would also authorize production of relevant documents, except where a privilege should be asserted.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of Richard Bowen v. Department of the Navy, No. SF-0752-09-0040-I-1, pending before the Merit Systems Protection Board, a request has been made for documents from the office of Senator Jim Webb and a declaration from Jamie Lynch, a former fellow in the office of Senator Webb;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Jamie Lynch is authorized to testify and to produce documents in *Richard Bowen v. Department of the Navy*, except concerning matters for which a privilege should be asserted.

MEASURE READ THE FIRST
TIME—H.R. 1256

Mr. REID. Mr. President, it is my understanding that H.R. 1256 has been received from the House and is now at the desk.

The PRESIDING OFFICER. The Leader is correct.

Mr. REID. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111-2

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 2, 2009, by the President of the United States:

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty (Treaty Document No. 111-2).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Annex VI on Liability Arising From Environmental Emergencies to the Protocol on Environmental Protection to the Antarctic Treaty (Annex VI), adopted on June 14, 2005, at the twenty-eighth Antarctic Treaty Consultative Meeting held in Stockholm, Sweden. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of Annex VI.

The Protocol on Environmental Protection to the Antarctic Treaty (the

"Protocol") together with its Annexes I-IV, adopted at Madrid on October 4, 1991, and Annex V to the Protocol, adopted at Bonn on October 17, 1991, received the advice and consent of the Senate to ratification on October 7, 1992, and entered into force for the United States on January 14, 1998, and May 24, 2002, respectively.

In Article 16 of the Protocol, the Parties undertook to elaborate, in one or more Annexes, rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Protocol. Annex VI sets forth rules and procedures relating to liability arising from the failure of operators in the Antarctic to respond to environmental emergencies.

I believe Annex VI to be fully in the U.S. interest. Its provisions advance the U.S. goals of protecting the environment of Antarctica, establishing incentives for Antarctic operators to act responsibly, and providing for the reimbursement of costs incurred by the United States Government when it responds to environmental emergencies caused by others.

As the report of the Department of State explains, Annex VI will require implementing legislation, which will be submitted separately to the Congress for its consideration.

I recommend that the Senate give early and favorable consideration to Annex VI and give its advice and consent to ratification.

BARACK OBAMA
THE WHITE HOUSE, April 2, 2009.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment of the Senate, the Senate committees may file reported legislation and executive calendar business on Thursday, April 16, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 93.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 93) was agreed to, as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, April 2, 2009, through Saturday, April 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 21, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 2, 2009, through Sunday, April 5, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 20, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 28, S. 386. With it, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 28, S. 386, the Fraud Enforcement and Recovery Act of 2009.

Harry Reid, Patrick J. Leahy, Edward E. Kaufman, Jeff Bingaman, John D. Rockefeller, IV, Jon Tester, Bernard Sanders, Charles E. Schumer, Jack Reed, Sheldon Whitehouse, Benjamin L. Cardin, Ron Wyden, Dianne Feinstein, Patty Murray, John F. Kerry, Amy Klobuchar, Debbie Stabenow.